

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|---------------------------------|---|---------------------------|
| Luther L. B., III, ¹ |) | C/A No.: 1:23-cv-3687-SVH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| Kilolo Kijakazi, Acting |) | |
| Commissioner of Social Security |) | |
| Administration, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Defendant, Kilolo Kijakazi, Acting Commissioner of the Social Security Administration (“Commissioner”), by her attorneys, Adair F. Boroughs, United States Attorney for the District of South Carolina, and Dina White Griffin, Special Assistant United States Attorney for the Social Security Administration, has moved this court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. [ECF No. 12]. The motion represents that Plaintiff’s counsel consents to the granting of the motion. *Id.*

Counsel for the Commissioner specifically acknowledges in the motion that further evaluation of the medical opinions in accordance with 20 C.F.R. §

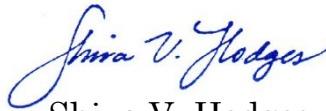
¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

404.1520c and § 416.920c is necessary. [ECF No. 13 at 1]. By requesting remand pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner concedes the agency's final decision is not supported by substantial evidence or the adjudicators failed to apply the proper legal standard in evaluating Plaintiff's case at the administrative level.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision based on the pleadings and transcript of record, and given the parties' request for remand, this court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and orders remand of the cause to the Commissioner for further administrative proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). The Appeals Council is to remand the case to an Administrative Law Judge, who shall analyze the medical opinions in accordance with 20 C.F.R. § 404.1520c and § 416.920c, offer Plaintiff the opportunity for a new hearing, take any further necessary action to complete the administrative record, and issue a new decision. The Clerk of Court is directed to enter a separate judgment pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

November 28, 2023
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge